

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
No. 4:19-CV-00111**

**WILLIAM HARRIS and
PHYLLIS HARRIS,**

Plaintiffs,

vs.

**MARY JANE VANDERBURG,
DOUGLAS MATTHEW
GURKINS, REMCO EAST, INC.,
and MARY GRACE BISHOP,**

Defendants.

) **JOINT MOTION AND**
) **STIPULATION TO AMEND THE**
) **SCHEDULING ORDER AND STAY**
) **DISCOVERY AS TO DEFENDANT**
) **MARY JANE VANDERBURG**

The parties hereby move for and stipulate to issuance of an amended scheduling order (ECF 49) extending current litigation deadlines by 28 days. A proposed order is lodged as an attachment to this joint motion and emailed to chambers.

Pursuant to Rule 16(b)(4) of the Federal Rules of Civil Procedure, there is good cause to grant this motion for the following reasons:

First, it is timely since it seeks to extend deadlines that have not yet expired. Fed. R. Civ. P. 6(b)(1)(A).

Second, all represented parties join in this motion.

Third, the parties learned last week and confirmed today that Jonathan

Bridgers, attorney for defendant Mary Jane Vanderburg, passed away unexpectedly on January 31, 2020. The parties believe that as a result of his death, Ms. Vanderburg will need time to retain new counsel who will need to appear in this action on her behalf.

Fourth, to avoid prejudice to Ms. Vanderburg, the parties move for issuance of the following order:

1. The deadlines set in the Court's last scheduling order be extended by 28 days. The proposed order reflects the new dates and deadlines; and,
2. That any discovery or motion that requires a response by Ms. Vanderburg be stayed for 28 days to enable her time to locate new counsel.

Fifth, no pretrial conference or trial date has been set by the Court in this action.

Accordingly, there is good cause to grant this motion continuing the

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litigation deadlines listed in the scheduling order (ECF 49) by 28 days and staying any responses to motions or discovery that may be due from Ms. Vanderburg for 28 days.

SO STIPULATED.

Dated: February 13, 2020.

Respectfully submitted,

/s/ Kelly Anne Clarke

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Attorney for Defendants Remco East, Inc.
and Mary Grace Bishop

CERTIFICATE OF SERVICE

Pursuant to Rule 5 of the Federal Rules of Civil Procedure, on February 13, 2020, I served by email via the ECF system a copy of the attached document – **JOINT MOTION AND STIPULATION TO AMEND THE SCHEDULING ORDER AND STAY DISCOVERY AS TO DEFENDANT MARY JANE VANDERBURG** – upon the following attorneys:

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